

EXHIBIT D

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PSYCHOLOGICAL EVALUATION
ANDREY BUYNOVSKIY (DOB: 10/12/81)
1/26/06

Atty. Joseph Bernard requested that I evaluate psychologically Mr. Buynovskiy, a 24 year old married single man, related to his alleged engagement in the business of dealing in firearms on or about July 2, 2001 and on or about April 6, 2002.

To that end, I interviewed and tested Mr. Buynovskiy on 1/21/06 and 1/22/06 for approximately six hours. Testing consisted of a standard psychological test battery, including the Rorschach and the Thematic Apperception Test (TAT). Although Mr. Buynovskiy understands some English and could express himself in English, Ms. Veronika Malek interpreted the interview so that nuances of communication could be understood. I also reviewed the Report of Investigation submitted by Special Agent Patrick Burns on 2/2/04 and the Grand Jury Charges.

RELEVANT BACKGROUND INFORMATION

Mr. Buynovskiy was born in 1981 in Sverdlovsk, USSR, a city he described as larger than Springfield two days by train from Moscow. He is the fifth of 12 children born to his parents. His father, described as a hard worker out of the house in the early morning, returning in the evening, worked as a fireman, a taxi driver, and as a slaughterer of cows. His father, age 55, died in 2005 from complications related to diabetes. His mother, currently 54, was a housewife who later worked as a home health care worker in the US.

Mr. Buynovskiy stated that neither of his parents had problems with alcohol and neither had a mental health history. He stated his

parents always lived with them and were only away from the family rarely to attend to business matters in Moscow. Mr. Buynovskiy stated that under the communist system in the USSR, everyone was supposedly the same, but he suspected that his family may have been rich since they had two cars, motorcycles, and land inherited from his maternal grandparents.

Mr. Buynovskiy stated that his childhood in the USSR was very happy. Along with his family, he went traveling and camping. He liked school and enjoyed the special occasions that marked the start and end of the school year. He liked bringing flowers to his teachers and the ringing of the school bells. He stated he did not get in trouble in school. He was also very close with his siblings. He stated when he did something wrong as a child, his parents lectured him. He did not recall ever being hit. He recalled with some amusement a time he got in trouble when he accompanied an older brother who set fire to a wooden outhouse because they wondered whether excrement burned.

Mr. Buynovskiy stated that the worst thing that ever happened to him in the USSR occurred after he fell from a tree and broke his leg. He stated he wanted to go to the last day of school and was pleased when the hospital nurse told him he would be able to go. However, his injury was so bad that he stayed in the hospital for three months, obviously missing the festivities of the last day at school. Of the nurse's deception, with some passion he told me "I can't stand when people lie, when people say something false to make me feel better. It is better to hear the truth."

When Mr. Buynovskiy was 9 or 10, in 1992, his entire family along with grandparents emigrated to the US. He stated his mother was the impetus for the move, especially since she had a sister living in the States. He stated that with the changes in the USSR, the borders had been opened and it was popular for people to leave. He stated his parents also wanted to protect the children from hard times and the stressful internal turmoil that was occurring in their country.

Mr. Buynovskiy stated that unlike his older siblings, he was happy to move to the US, that he wanted to meet his cousins. He stated he has always liked new experiences and novelty. When he came to the US, he only knew how to say "hi" and "bye" in English.

Mr. Buynovskiy stated that the differences between the USSR and the US were "big time." He stated in the USSR, he had friends, family and familiar physical surroundings. He stated he felt freer to pal around with groups of his friends. In the US, he experienced the

physical environment as alien and missed living on land. He also found that there was a greater focus on private property here, that he could not go wherever he wanted. He also was bewildered by the language and the customs. He stated he felt constrained, not free, without a sense of a free space within him.

Mr. Buynovskiy stated he never formally studied English in school. He stated he was taught in Springfield in Russian classes with Russian teachers. Although he never formally studied English, he gradually came to understand and speak it.

Mr. Buynovskiy stated that every day in Springfield, he encountered problems in school caused by the other students. "They always called us names. 'You fucking Russians, go back to Russia.'" He stated other students would try to jump him and his Russian friends although he stated that because of his size, it was difficult to beat him up. He stated that because of the "discrimination," he did not want to go to school. He recalled learning karate after school to protect himself rather than doing his homework. He recalled one time an adult hit him on the side of the head with a brick and he saw stars. He stated he never started a fight but would try to defend himself. He stopped attending school in the 9th grade when he was 17.

Mr. Buynovskiy stated he started working when he was 17 in a body shop. A year or so later he worked in a warehouse. He stated when he was 19, he bought a cleaning service franchise which he sold soon after he was arrested in 2004. He stated that since he left jail in February 2004, he has worked for a construction and insulation company, which he may partially own.

Mr. Buynovskiy stated he has had girlfriends, all Russian, but he has not as of yet met the right one.

Mr. Buynovskiy stated he first drank when he was 18. He stated that between 2001 and 2004 he drank nearly every day, usually to the point of inebriation, although he never considered himself to be an alcoholic. He stated he had a high tolerance for alcohol and would drink at parties a liter of vodka and still manage to walk around. He stated his typical daily consumption was a 12 pack of beer, which he stated was like water to him. He often drank with a group of Russian students. "We drank because we had nothing else to do." He denied having withdrawal symptoms, acknowledged once having a blackout, and was too embarrassed to enumerate the number of times he vomited after drinking. He stated that currently

he only drinks on his birthday and is too busy working to idle away his time drinking.

Mr. Buynovskiy stated he has smoked marijuana, that he at first did not realize there was a difference between marijuana and tobacco in Springfield because marijuana was so prevalent. He stated he was high on marijuana the day he was arrested and smoked while in Ludlow jail. He stated he decided to stop smoking marijuana because of its effects. He stated he used cocaine 2-3 times when he needed to sober up. He denied ever using heroin or using a needle.

Mr. Buynovskiy stated that only he and a brother a few years older have had legal problems. He stated this brother spent time in jail after fighting with the police.

Mr. Buynovskiy stated he first had legal trouble when he was 17. He stated another Russian man had stolen money from a machine at Six Flags. He stated he and his brother came over to the machine and were arrested. "I was innocent but I couldn't explain myself. My attorney lied to us. I was told the case would not be on the record and I didn't realize that when I pled guilty, it would be on my record. I don't even know what the charge was. I only realized when I was arrested for the federal case that my record said I was guilty for what happened when I was 17."

INTERVIEW BEHAVIOR

Mr. Buynovskiy was fully cooperative throughout this evaluation. He answered all my questions without hesitation after the interpreter presented in Russian my questions. He came across as a friendly young man who rarely seemed ill at ease during the evaluation. Little else was remarkable about his presentation.

PSYCHOLOGICAL TESTING

Mr. Buynovskiy was given two projective tests, the Rorschach and the TAT. His test results indicate that he has no trouble distinguishing fantasy from reality; he is not psychotic. He is not depressed nor particularly anxious in general. He is someone with drive and ambition who may be more capable than he originally presents, as he seems to have more potential than he displays initially. He does not present responses that would suggest that he is particularly aggressive or prone to interpret interpersonal relationships as hostile encounters. He seems to enjoy his relationships with other people and can feel satisfied about himself

friends, we all laughed. Everyone knew it was against the law and we couldn't buy them or sell them."

Mr. Buynovskiy described as a "fairy tale" the report that stated he wanted to get Safanov off the street and that he knew Carlos worked for the FBI. "If I knew Carlos worked for the FBI, why would I set myself up?"

Regarding his affidavit, Mr. Buynovskiy stated that the agents twisted his words. He stated that because no interpreter was present, there was a communication problem. "I depended on them to understand me. I thought they were intelligent and honest and would do the right things. I respected them and thought they would follow the law. But they turned everything around against me and I signed a document of self-incrimination."

Mr. Buynovskiy stated that when the events that led up to his arrest occurred, he was young and stupid. "I wanted to see what they (the firearms) looked like. If I hadn't gone to look at the guns, I wouldn't have been arrested. I was in the wrong place at the wrong time. If it is against the law to be present when one person buys a rifle, I was there and I'm ready to be punished. But I didn't wipe off serial numbers or transport guns across state lines."

CONCLUSION


Mr. Buynovskiy is not mentally ill. He does not present with symptoms such as anxiety or depressed feelings that would indicate the need for psychological treatment. He abused alcohol earlier in his life and was abusing alcohol and marijuana during the time that the alleged offenses occurred. He may not have been thinking that clearly at the time as he seemed to be part of a hard drinking circle of friends who were living a somewhat adrift life style at the time, not feeling that integrated into American society.

Mr. Buynovskiy describes his life as having been a happy one until he moved to the US and experienced what he viewed as discrimination from his peers at school. While he speaks of the excitement of coming to a new country, he also explained that he felt that he could not explain himself clearly because of the language barrier. He also reported that he found some of the American customs difficult to fathom and that he felt harassed and discriminated against because he was an immigrant.

Although Mr. Buynovskiy denied feeling saddened about coming to the US, it is difficult to imagine that he did not have some kind of

difficulty adjusting to the new world. It is noteworthy that he, around 10 when he came to the States, and a brother, approximately 12 at the time of coming to the States, are the only two family members to have had legal problems here. Perhaps his older siblings were already so shaped by their stable lives in the USSR that they were less affected by the move; perhaps his younger siblings were better able to fit more smoothly into American society.

Mr. Buynovskiy maintained that his past legal problem was a result of a language misunderstanding and a case of mistaken identity. Of his current legal problems, he acknowledged being present when a gun seemed to have been sold but denied committing other offenses. This evaluation does not allow me to offer an opinion about his position.



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